

HOUSE BILL 2402

By Bass

AN ACT to amend Chapter 296 of the Private Acts of 1972; as amended by Chapter 294 of the Private Acts of 1974; Chapter 33 of the Private Acts of 1977; Chapter 56 of the Private Acts of 1981; Chapter 124 of the Private Acts of 1986; Chapter 210 of the Private Acts of 1988; Chapter 11 of the Private Acts of 1997; Chapter 115 of the Private Acts of 1998 and Chapter 72 of the Private Acts of 2005; and any other acts amendatory thereto, relative to the charter of the city of Elkton.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 296 of the Private Acts of 1972, as amended by Chapter 294 of the Private Acts of 1974, Chapter 33 of the Private Acts of 1977, Chapter 56 of the Private Acts of 198,; Chapter 124 of the Private Acts of 1986, Chapter 210 of the Private Acts of 1988, Chapter 11 of the Private Acts of 1997, Chapter 115 of the Private Acts of 1998 and Chapter 72 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting such chapter, as amended, in its entirety and substituting instead the following language to be the charter of the city of Elkton:

ARTICLE I-CORPORATE NAME AND BOUNDARIES

Section 1. Popular Title to Act. This act shall be known, designated, and may be cited as the "Elkton Charter of 2007."

Section 2. Name, Etc. The municipal corporation shall continue as a municipal corporation under the name of "City of Elkton" and shall be vested with any and all powers which municipal corporations are, or may hereafter be, required or permitted to exercise or provide for in their charters under the constitution and general laws of the State of Tennessee, as fully and completely as though the powers were specifically enumerated herein, except for such limitations and restrictions as provided in this charter, and no enumeration of particular powers of the City of Elkton in this charter shall

be held to be exclusive or restrictive. The municipal corporation shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, in all actions whatsoever; may purchase, receive and hold property, real and personal, within and without the city, for the benefit of the city, and may sell, lease and dispose of the same for the benefit of the city to the same extent as natural persons and the city may have and use a common seal and change it at pleasure.

Section 3. Boundaries. The boundaries of the city are those fixed by Chapter 296 of the Private Acts of 1972, all acts amendatory thereof, and annexations made under general law, copies of which are available in the office of the city recorder.

Section 4. Change of Corporate Boundaries. The corporate boundaries may be changed as authorized by state annexation laws.

ARTICLE II-POWERS

Section 1. General. The City of Elkton shall have all powers which the constitution, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of these powers.

Section 2. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power was not mentioned. The charter shall be liberally construed, to the end that the city may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the laws of this state now in force or those that may hereinafter be enacted.

Section 3. Powers. The City of Elkton shall have power by ordinance:

(1) To assess, levy and collect taxes upon all property and privileges within its limits which are, or shall be, taxable by the laws of the state, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly forbidden by general laws of the State of Tennessee.

(2) To adopt such classifications with reference to all subjects or objects of taxation, not otherwise expressly prohibited by law.

(3) To make and levy special assessments against abutting or adjoining property for local improvements, and to exercise the specific powers granted under the Abutting and Adjacent Property Improvement Law, as contained in Tennessee law.

(4) To contract and be contracted with, provided, however all contracts shall be signed by the mayor or the vice-mayor in his absence, after authority given by the board of mayor and aldermen.

(5) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof.

(6) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing warrant, bonds, promissory notes or orders of the city, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments of local improvements, or upon any two (2) or more, or a combination of any two (2) or more, of such credits.

(7) To expand the revenues, monies and property of the city for all lawful municipal purposes.

(8) To purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, or any estate or interest therein, either within or without the city or State.

(9) To effectually exercise the right of eminent domain, and to condemn property, real or personal, or any easement, interest, estate or use therein, either within or without its territorial limits for present or future public use, such right of eminent domain to be exercised in accordance with the terms and provisions of Tennessee law.

(10) To receive and hold property in trust, real or personal either within or without the city or state, and to administer such trusts for public use and benefit.

(11) To acquire, own, erect, build, construct, maintain and operate, or to sell. lease, mortgage, pledge or otherwise dispose of any public utility, or any estate or

interest therein, or property, real or personal, used in connection therewith, or any utility or service to the city, its inhabitants or any part thereof.

(12) To grant to any person, firm, corporation or association, franchises for public utilities and public services to be furnished the city and its inhabitants. The power to grant franchises shall include the power to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be deemed and treated as exclusive not only as against any other person, firm, corporation or association but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years, but not longer, and the city is fully empowered to prescribe and regulate in each grant of a franchise, rates, fares, charges, and other regulations that may be made by the grantee of the franchise. Franchises may, by their terms, apply only to the territory within the corporate limits at the dates of the franchise, or to the territory as the limits may thereafter be enlarged; and to the existing streets, alleys, and other thoroughfares, or to any other streets, alleys and other thoroughfares that thereafter may be opened.

(13) To make contracts with any person, firm, corporation or association for the public utilities and public services to be furnished the city and its inhabitants. The power to make contracts shall include the power to make exclusive contracts; and when an exclusive contract is entered into, it shall be deemed as exclusive, not only against any other person, firm, corporation or association. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer, and the city is fully empowered to prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, corporation or association with whom the contract is made. Such contracts, may by their terms, apply to the territory within the corporate limits of the city at the date of the contract, and as the corporate limits thereof may be enlarged; and to the then existing streets, alleys and thoroughfares that thereafter may be opened.

(14) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extension of facilities for such services, but nothing herein shall be

construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted, or of any exclusive contract entered into contained herein.

(15) To establish, open, locate, relocate, vacate, alter, abandon, close, sell, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains, and public grounds and properties within the corporate limits, and to regulate the use thereof within the corporate limits.

(16) To construct and reconstruct, improve and re-improve, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public properties within the corporate limits, and to assess a portion of the costs of such improvements upon the property abutting upon or adjacent to such streets, highways, avenues, alleys, or other public properties.

(17) To purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges; culverts, sewers, and other structure, works and public improvements.

(18) To collect and dispose of drainage, sewerage, offal, ashes, garbage and refuse in any manner not in conflict with general laws, or to license and regulate such collection and disposal.

(19) To license and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation or trade not forbidden by law, and to impose a license tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by law.

(20) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, professions, vocations or trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city and in conjunction with the powers herein set out to demand and receive fees and costs of permits and inspections incident to effectual regulations.

(21) To prescribe locations, zones, and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the city may lawfully be established, conducted or maintained.

(22) To regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(23) To provide and maintain charitable, educational, curative, recreative, corrective departments, facilities, conveniences and services, or to contract with any outside agency to provide and maintain, or to render the functions and services contemplated herein.

(24) To endorse all ordinances, rules or regulations by means of fines, forfeitures and penalties, or by action or proceedings in any court of competent jurisdiction or by any one or more of such means, but no fine, forfeiture or penalty shall exceed the constitutional limit.

(25) To regulate, tax, license or suppress the keeping or running-at-large of animals within the city; to impound the same, and in default of redemption to sell or otherwise dispose of the same.

(26) To call upon the Giles County Board of Election Commission to call, provide for, and control all municipal-elections, including all elections respecting bond issues, and to provide for and regulate the registration of voters, and to certify the results of such elections.

(27) To make all reasonable regulations to prevent the spread of contagious diseases within the city, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the city.

(28) To enter into contracts.

(29) To create such offices and provide for the appointment, election and compensation of all officers and employees as may be necessary.

(30) To pass all ordinances necessary for the health, convenience, safety and general welfare of the inhabitants of the city and to carry out the full intent, corporate purposes and meaning of this act as fully as if specifically authorized.

(31) To stimulate and encourage the location of new industrial enterprises in the City of Elkton. To construct such buildings and facilities for the enterprises as the board of mayor and aldermen may deem proper and to this end to borrow money upon the faith and credit of the City of Elkton.

(32) To have and exercise all lawful powers, which now or hereafter it would be lawful to here specifically enumerate, as fully and effectually as though the powers were specifically enumerated herein.

Section 4. Enumerated Powers not Exclusive. The enumeration of the particular powers in this article is not exclusive, nor restrictive, nor general words or phrases granting powers, nor shall a grant or failure to grant powers in this article impair the powers granted in any subsequent article or Section of the charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more of such powers as to any one or more such objects for any one or more such purpose.

ARTICLE III-FORM OF GOVERNMENT

Section 1. Prescribed. The corporate authority of the city shall be vested in a mayor, who shall be the chief executive officer, the board of mayor and aldermen, which shall be the legislative body, a judge of the city court, and in such boards, committees or commissions as the board of mayor and aldermen shall from time to time ordain and establish. The form of government shall be a board of mayor and aldermen.

ARTICLE IV-MAYOR

Section 1. Qualifications. The mayor shall be an elector of the city at the time of the election of the mayor, and he must have been a resident of Giles County for at least

one (1) year, and of the city at least six (6) months immediately preceding that time and must not be under twenty-one (21) years of age at the time of the taking of office.

Section 2. Election and Term of Office. The mayor shall be elected at the next regular municipal election in the year 2006 and every fourth year thereafter for a term of four (4) years. Beginning with the 2006 election, the election shall be held on the first Thursday in August in conjunction with the regular August election. In order to effectuate the change in election dates from June of even-numbered years to August of even-numbered years the term of office for the mayor elected in June 2002, whose term of office is scheduled to expire July 1, 2006, shall be extended until September 1, 2006. The mayor shall continue to be elected to four-year terms following the extended term provided for by this act.

Section 3. Vacancy in Office. When the mayor is absent or inaccessible, or is unable for any cause to perform his duties, the vice-mayor shall be acting mayor, but shall not thereby cease to be a member of the board of mayor and aldermen, nor shall he surrender his right to vote as a member of the board. In case of the death, resignation or removal of the mayor or his ceasing to reside within the city, the vice-mayor shall become mayor and shall serve until the next regular municipal election and his office as Alderman shall thereby become vacant. In the event the vice-mayor shall become acting mayor, the age requirement contained in Section 1 of the article shall not apply.

Section 4. Ineligibility, Malfeasance, Etc. No person shall be eligible for the office of mayor who shall have been convicted of malfeasance in public office, or of any violation of the election laws of the State of Tennessee, or of a crime or corrupt practice, and if any mayor shall be so convicted, he shall forfeit his office and may be ousted from office in accordance with general law.

Section 5. Salary. The salary of the mayor shall be set by the board of mayor and aldermen by ordinance; however the salary may not be reduced during his term of office.

Section 6. Oath. The mayor shall, before entering upon the duties of the office, take and subscribe to the following oath:

"I do solemnly swear that I will support the Constitution of the State of Tennessee and of the United States, the city charter and ordinances and that I will faithfully, zealously, and impartially discharge the duties of mayor, without fear or favor and for the public welfare, so help me God."

Section 7. Ouster. The mayor shall be subject to ouster under the general laws of the state, and to removal from office in the manner hereinafter specified.

Section 8. Powers and Duties of Mayor. The mayor shall have the following powers and duties:

(A) Legislative

(1) The mayor shall preside over all meetings of the board and shall have a vote, only in case of a tie. It shall be his duty to sign the minutes of all meetings in his official capacity, and all ordinances passed by the board.

(B) Executive

(1) The mayor shall be the chief executive officer of the city and as such be held responsible for the proper execution of all laws, ordinances and contracts in the city. He shall supervise the administration of the city's affairs and shall exercise control over all departments and divisions.

(2) The mayor shall have the power and authority to appoint, promote, transfer, and reduce, subject to the provisions of this charter, all officers and employees of the city, except those required by this charter to be elected and except those whose terms are fixed by this charter.

(3) The mayor may, without the consent of the board for disciplinary purposes, suspend, without pay, any officer or employee except those required by this charter to be elected and except those whose terms are fixed by this charter, for any length of time not exceeding thirty (30) days in any twelve month period; provided, however, that the mayor shall report such action to the next regular meeting of the board, at which time the board shall pass upon such suspension. If charges are not sustained, the board, may in its discretion, order

the officer or employee reinstated and paid for the time suspended, or such part thereof as it may determine.

(4) The books, records, and official papers of all departments, boards, committees, commissions, officers and employees of the city shall at all times be open to the mayor's inspection and examination. The mayor shall take special care that the books and records of all the departments, boards, commissions, officers and employees are kept in legal and proper form. The mayor shall from time to time, issue instructions to the various officials and departments regarding such matters as he may deem beneficial to the public interest. The mayor shall have general supervision of all activities of the city and shall see that they are honestly and lawfully conducted.

(5) The mayor shall be recognized as the official and ceremonial head of the city government.

(6) The mayor may appoint executive committees of the board to assist in supervision and oversight of city departments. The committees shall make recommendations and report of departmental activities at regular board meetings. The mayor shall appoint a committee chairman and the mayor shall be a member of all committees.

(7) The mayor shall perform all such other and additional duties as are consistent with the office, or as may be imposed upon him by ordinance.

ARTICLE V-BOARD OF MAYOR AND ALDERMEN

Section 1. Legislative Powers, Vested. The legislative power of the City of Elkton shall be exclusively vested in a legislative body which shall be known and designated as the "board of mayor and aldermen". The board may, by ordinance or resolution, not inconsistent with the provisions of this charter, prescribe the manner in which all powers of the municipality shall be exercised, provide the necessary administrative means, and do all things and perform all acts within or without the city or state to effectually exercise the powers herein granted, to protect the right's and interest of the city.

Section 2. Composition of Board. The board of mayor and aldermen shall consist of the mayor and five (5) aldermen, each of whom shall be elected by the qualified voters of the City of Elkton.

Section 3. Term of Office.

(a) At the next regularly scheduled municipal election in which aldermen are to be elected, five (5) aldermen shall be elected. Of the candidates running for the office for alderman in such election, the candidates receiving the first and second highest number of votes shall be elected to the office of alderman for a term of four (4) years and the candidates receiving the third, fourth and fifth highest number of votes cast in such election shall be elected to the office of alderman for a term of two (2) years. In order to break a tie vote, the names of the candidates whose votes are tied shall be placed in a receptacle and the mayor or other person designated by the mayor shall draw a name, or names as appropriate, to break the tie.

(b) At the following biennial election, and all biennial elections thereafter, the term of office for each alderman shall be for a term of four (4) years.

(c) Beginning with the 2006 election, in order to effectuate the change in election dates from June of even numbered years to August of even-numbered years the terms of office for aldermen elected in June 2002, whose terms are scheduled to expire July 1, 2006, shall be extended until September 1, 2006. The terms of office of aldermen elected in June 2004, whose terms are scheduled to expire July 1, 2008, shall be extended until September 1, 2008. The term of office of each alderman shall begin the first day of September next after such municipal election and each alderman shall serve until his successor is elected and qualified.

Section 4. Qualifications. Each Alderman shall be at least eighteen (18) years of age at the time of taking office and shall have been a resident of Giles County for at least one (1) year and of the City of Elkton for at least six (6) months immediately preceding the election.

Section 5. Vacancy on Board. Whenever a vacancy shall occur on the board by reason of the death, resignation, ouster, prolonged absence or inability to serve of any Alderman, such vacancy shall be filled until the next regular election, by election by the remaining members of the board, provided, however, no vacancy shall be filled by the board of mayor and aldermen under this Article when the board already has two (2) members thereof so elected. When a vacancy should occur under such circumstances, the board shall forthwith, by resolution, call upon the Election Commissioner for Giles County to call a special election for the purpose of filling such additional vacancy, whereupon the election commissioners shall immediately call such special election and appoint the necessary officers therefore, and such special election shall be held in the same manner as and subject to the regulations in this charter, respecting general city elections, provided, however, that no such special election shall be called unless the alderman elected at such time would have at least six (6) months to serve on the unexpired term.

Section 6. Regular Meetings. The board of mayor and aldermen may, by ordinance, fix the date, time and place at which regular meetings of the board shall be held. Unless otherwise provided by ordinance, the regular meetings of the board shall be held at the city hall in Elkton at 6:00 o'clock p.m., on the first Monday of each month. In no event shall the board fail to meet at least once per month.

Section 7. Special Meetings. Special or called meetings of the board of mayor and aldermen may be held at such times, and on such dates, as the mayor may deem necessary and the mayor is hereby empowered to call special meetings of the board, at his discretion. The vice-mayor, when authorized to act in the place and stead of the mayor, is likewise given the authority, acting at his discretion, to call special meetings of the board. If, at any time, in the opinion of any three (3) aldermen, the welfare of the city demands that a special meeting be called, and the mayor be absent from the city or unable for any reason to call such meeting, or shall refuse to do so, the recorder shall, upon the written request of the four (4) aldermen, call such meeting. In the event of the calling of a special meeting, written notice shall be given to each alderman, the recorder,

the city attorney, and if not called by him, the mayor shall likewise be notified in writing. The notices shall be served by a police officer of the city and the fact of such service shall be noted on the call over the signature of the officer. The call shall specify the purpose of the meeting, and together with the officer's return, shall be spread upon the minutes of the meeting. No other business may be transacted.

Section 8. Quorum. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as the board may provide.

Section 9. Rules. The board of mayor and aldermen may determine its own rules of procedure, provided, however, no rule promulgated by the board shall be contrary to the general law or inconsistent with the provisions of this act. Robert's Rules of Order shall govern in all cases not covered by the rules adopted by the board.

Section 10. Organization. At the first regular meeting after the election certification of the election commission, the board of mayor and aldermen shall meet and organize by selecting one (1) from their number as vice-mayor; thereafter at the meeting in September every two (2) years thereafter, the board shall hold its organizational meeting, at which time a vice-mayor for the ensuing two (2) year period shall be elected by and from the board. Mayoral committees shall be appointed as provided herein. The annual budget and tax rate shall be adopted at the first meeting in each year.

Section 11. Minutes. The board of mayor and aldermen shall cause minutes of its proceedings to be kept by the city recorder. Upon the request of any member, the mayor excepted, the ayes and nays upon any question before it shall be taken and a record of the vote entered upon the minutes. The minutes shall be open for inspection by the public at all times.

Section 12. Public Meetings. All meetings of the board of mayor and aldermen shall be open to the public, except as exempted by law.

Section 13. Procedure. At all meetings of the board of mayor and aldermen each alderman shall be entitled to a vote on all matters properly presented to the board of

mayor and aldermen for action, and a majority vote of those present shall be necessary for affirmative or negative action by the board.

Section 14. Compensation. The board of mayor and aldermen shall by ordinance set its compensation, however, no compensation for an alderman or mayor may be reduced during his term of office. No member of such board shall be interested directly, or indirectly, in any contract made by the board under penalty of forfeiture of office.

Section 15. Removal from Office. The mayor or any alderman may be removed from office for any malfeasance, misfeasance and nonfeasance in office, crime or other offense against the laws of the State of Tennessee or for any violation of this charter or for any of the causes or reasons for which public officials may be ousted under the general laws of the State.

ARTICLE VI-CITY RECORDER

Section 1. Qualifications. The city recorder shall be at least eighteen (18) years of age at the time of employment.

Section 2. Appointment. The city recorder shall be appointed by the board of mayor and aldermen and shall serve as long as his/her performance is satisfactory.

Section 3. Oath. The city recorder shall, before entering upon the duties of the office, take and subscribe to the following oath:

"I do solemnly swear that I will support the Constitution of the State of Tennessee and the United States, the city charter and ordinances of the city, and that I will faithfully, zealously and impartially discharge the duties of city recorder without fear or favor and for the public welfare and that I will faithfully and honestly account for all funds coming into my hands, so help me God."

Section 4. Bond. The city recorder shall give and execute a good and solvent bond in such amount as the board of mayor and aldermen may establish by ordinance, conditioned upon his faithful discharge of the duties of his office and upon his properly accounting for all money and property coming into his hands. The bond shall be approved by the board of mayor and aldermen and filed with the mayor. A copy of the same shall be spread upon the minutes of the board. In the event the bond provided for

herein shall be made by an indemnity company, the City of Elkton shall bear the expense of the same.

Section 5. Duties. The city recorder shall have the following powers, duties, and authority:

(1) To keep full and complete records of the board of mayor and aldermen.

(2) To keep a current record of all ordinances passed by the board of mayor and aldermen in a properly bound book called the ordinance book, in which all ordinances and resolutions shall be recorded and indexed.

(3) To countersign all contracts entered into by the city, after authority given by ordinance or resolution.

(4) To be present at all meetings of the board of mayor and aldermen, unless excused, and to keep a full and accurate account of all business transactions by the board and to preserve a record of the same in permanent-book form.

(5) To serve as treasurer of the city and in that capacity to receive and account for all revenues of the city, but he shall not pay out any part of the same except on authority of the board of mayor and aldermen and all warrants or checks shall show specifically the purpose for which they were issued.

(6) To keep his office open for business during such hours and on such days as the board of mayor and aldermen may fix.

(7) To have custody of the official seal of the City of Elkton, the public records, the original ordinances, all contracts, deeds, and certificates relative to the title of any property of the city, all official indemnity or security bonds except his own, which shall be filed with the mayor, and all such other records, documents and papers as are not required to be deposited with some other official.

(8) To certify under his hand and the official seal of the city all copies of such original documents, records and papers in his office as may be required by

any officer or person, and to charge fees for such as approved by the board of mayor and aldermen.

(9) To do and perform such other, further and additional duties, consistent with his office as may be imposed upon him by this charter or by ordinances of the board of mayor and aldermen.

ARTICLE VII-CITY JUDGE

Section 1. Qualifications. The city judge shall be twenty-five (25) years of age or older and shall be a person licensed to practice law in the State of Tennessee.

Section 2. Appointment The board of mayor and aldermen shall appoint a city judge who shall serve at the pleasure of the board.

Section 3. Vacancy in Office. Whenever a vacancy should occur in the office of the city judge by reason of death, resignation, ouster, prolonged absence or inability to serve as the city judge, such vacancy shall be filled by the board of mayor and aldermen. The mayor may appoint a city judge to serve during temporary absences of the city judge.

Section 4. Salary. The salary of the city judge shall be fixed by the board of mayor and aldermen.

Section 5. Jurisdiction. The city judge shall have and he is hereby vested with jurisdiction to hear and determine all violations of the laws and ordinances passed by the board of mayor and aldermen and to impose fines, costs and forfeitures as provided by such laws and ordinances passed by the board of mayor and aldermen and to impose fines, costs and forfeitures as provided by such laws and ordinances and is further vested with concurrent jurisdiction with the General Sessions court of Giles County in cases of the violation of the criminal laws of the state. The jurisdiction of the city judge shall extend to a distance of one (1) mile beyond the corporate limits of the City of Elkton for the suppression of acts and practices forbidden by the general laws or the city ordinances.

Section 6. Concurrent Jurisdiction. While exercising general sessions court jurisdiction, the judge must be elected for an eight-year term and meet other state requirements for session 's court judges.

Section 7. Duties, Powers, Etc. The city judge shall preside over the city court, which the court is hereby created and thus designated and shall have power and authority to impose fines and forfeitures, to preserve and enforce order in the court, to enforce collection of all fines and forfeitures imposed by him, to accept and receive good and sufficient security for any fines or forfeitures imposed by him. In order that the city judge may effectually exercise the powers herein conferred, he is expressly empowered to issue any and all warrants or other process of a criminal nature, including, but not limited to, warrants for arrest, search warrants, attachments for contempt, subpoenas for witnesses and attachments to compel the attendance of witnesses, as authorized by law.

Section 8. Process. All process issuing from the city court shall run in the name of the State of Tennessee for the use of the City of Elkton and shall be so captioned. All warrants shall be signed and issued by the city judge. The general law of this State, except such parts thereof as may be inconsistent with this act relative to the issuance of warrants and process, shall apply to the city court.

Section 9. Fines, Costs, Etc. The cost and fees in the city court shall be set by the board of mayor and aldermen.

Section 10. Docket, Records, and Reports. The city judge shall keep, or cause to be kept, a court docket and shall keep, in addition, a complete and accurate record of all fines, costs and forfeitures collected and of all assessed and uncollected.

Section 11. Appeal. Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined, may within ten (10) days after the judgment, appeal to the next term of the Circuit Court of Giles County, in accordance with general law.

ARTICLE VIII-CITY ATTORNEY

Section 1. Qualifications. The city attorney shall be an attorney-at-law, admitted to the practice of law within this State.

Section 2. Appointment. The city attorney shall be appointed by the board of mayor and aldermen and shall serve as long as his performance is satisfactory.

Section 3. Vacancy. Whenever a vacancy shall occur by reason of the death, resignation, prolonged absence or inability to serve of the city attorney, such vacancy shall be filled by appointment by the board of mayor and aldermen.

Section 4. Compensation. The compensation paid the city attorney shall be fixed by the board of mayor and aldermen.

Section 5. Duties. It shall be the duty of the city attorney:

(1) To represent the city in all legal matters and functions and proceedings of whatsoever kind or nature, including the function of prosecuting attorney in the city court.

(2) To direct the management of all litigation in which the city is a party.

(3) To attend all meeting of the board of mayor and aldermen, unless excused.

(4) To advise the board of mayor and aldermen and the several departments of the city as to all legal questions affecting the city's interests.

(5) To approve the form of all contracts, deeds, bonds, ordinances, resolutions and other documents, to be signed in the name of, or made by or within the city.

(6) To perform such other and further duties, consistent with his office, as the board may direct.

ARTICLE IX-POLICE DEPARTMENT

Section 1. Police Department Created. There is hereby created a police department, consisting of a chief of police and such number of policemen as the board of mayor and aldermen shall from time to time fix.

Section 2. Chief of Police, Qualifications and Appointment. The chief of police shall be eighteen (18) years of age or older and shall be a resident of Giles County, Tennessee. The chief of police shall be appointed by the mayor, subject to the approval

of the board of mayor and aldermen. The chief of police shall serve at the pleasure of the board of mayor and aldermen.

Section 3. Duties of Police Department. The police department, and all members thereof shall be charged to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections, and to enforce laws of the state and ordinances of the city relating to the suppression and punishment of crime and disorder or to the public health. It shall be the further duty of the police department to execute and return all processes, notices and orders of the city court, the city judge, the mayor and the city recorder and to execute all other processes, notices and orders as may be provided in this charter or by ordinance. It shall be the further duty of the police department to cooperate fully with the city attorney in all matters in connection with the proper prosecution or defense of all litigation in which the city may be involved.

Section 4. Legal Services. It shall be the duty of the city attorney, or the city's liability insurance attorney, to defend any suit instituted against a police officer based on an official act performed by such officer in the course of his duty. Such services shall be rendered without charge to such officer, but paid by the city.

ARTICLE X-FIRE DEPARTMENT

Section 1. Fire Department Created. There is hereby created a fire department consisting of a fire chief, who shall be selected by and serve at the pleasure of the board and who shall serve ex officio as fire marshal and such number of firemen as the board of mayor and aldermen shall from time to time fix by ordinance.

Section 2. Duties. The chief of the fire department shall be responsible for all fire prevention and fire suppression activities in the City of Elkton, and at the scene of fires.

ARTICLE XI-ELECTIONS

Section 1. Regular Elections. Beginning with the August 2006 election, a regular city election shall be held on the first Thursday in August in conjunction with the regular August election and every two (2) years thereafter, for the elections of appropriate officials.

Section 2. Special Elections. The board of mayor and aldermen shall provide for special elections.

Section 3. Regulations of Elections. Except as herein otherwise provided, the general election laws of the state shall be applicable to and control all city elections, which may be held in accordance with the provisions of this act.

Section 4. Qualification of Voters. All persons qualified to vote in Giles County for members of the general assembly, as prescribed by the general law, shall be qualified to vote, in any election held in accordance with the provisions of this act, provided that such person is a resident of Elkton, Tennessee.

ARTICLE XII-ORDINANCES

Section 1. Form. All city ordinances shall begin by an enacting clause as follows: Be It ENACTED By The Board of Mayor and Aldermen of the City of Elkton, Tennessee, and shall, at the end of this ordinance, contain the provision: This ordinance shall take effect from and after its passage, the public welfare requiring it, otherwise the same shall not take effect until twenty (20) days after its passage, unless another date is fixed thereon.

Section 2. Passage. All ordinances shall be read and considered once in open session of the board before being enacted.

Section 3. Amendments. All amendments to existing ordinances shall be in the form of new ordinances and shall be adopted in the same manner.

Section 4. Code of Ordinances. The board of mayor and aldermen shall provide for the codification of ordinances at least every ten (10) years.

Section 5. Action Requiring an Ordinance. An ordinance shall be required to:

(1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency.

(2) Provide for alien or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

(3) Levy taxes.

(4) Grant or renew a franchise.

(5) Authorize the borrowing of money, except the authorization for the issuance of bonds may be by resolution.

(6) Convey or lease or authorize the conveyance or lease of any lands of the city.

(7) Amend or repeal any ordinance previously adopted.

(8) Regulate the rate charged for its utility services.

(9) Adopt the annual budget.

All other acts of the board may be by a motion of the board, resolution, or ordinance as permitted by law or board rules.

ARTICLE XIII-TAXATION AND REVENUE

Section 1. Assessment. As soon as practicable each year after the assessment books for the state and county are complete, which shall be after the equalization boards provided for by the general law shall have finished the equalization of taxes, it shall be the duty of the recorder to prepare or cause to be prepared a tax book similar to that required by the general law to be made out for the county trustee, embracing all such properties and persons as are liable for taxes within the City of Elkton. Such tax book, when certified to be true, correct and complete by the recorder, shall be the assessment of taxes in the city for all municipal purposes, provided, however, that there may be an assessment by the recorder at any time of any property subject to taxation, found to have been omitted. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land have not been properly stated, or the amount of the valuation or tax not correctly given, nor because the property is assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any object or informality merely technical, but all such assessments shall be good and valid.

Section 2. Recorder as Tax Collector. The city recorder of the City of Elkton shall be and he is hereby made custodian of the tax books and tax collector for the city.

Section 3. Levy. It shall be the duty of the recorder each year as soon as the assessment roll for the city is complete, to submit to the board of mayor and aldermen a

certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits together with a certified statement of the revenue derived by the city from merchants ad valorem tax and fines, and forfeitures for the preceding year. The statement shall be presented to the board of mayor and aldermen which shall proceed, by ordinance, to make a proper levy to meet the current expenses of the city for the current fiscal year.

It shall be the duty of the city recorder immediately after the levy of taxes by the board of mayor and aldermen to cause the levy to be extended upon the tax book, prepared by the recorder in the same manner that extensions are made on the tax book in the hands of the county trustee.

Section 4. When Due, Interest, Penalty. All taxes due the City of Elkton, except privilege and merchant's ad valorem taxes shall be due and payable on the first Monday in November of the year for which the taxes are assessed, at the office of the recorder. Penalties and interest as required by Tennessee Code Annotated, Section 67-5-2010, one half percent (.5%) penalty and one percent (1%) interest, shall be charged by ordinance on all taxes remaining unpaid on and after the first day of July following the year for which the taxes are assessed shall be imposed and collected by the recorder, and by him paid into the city treasury. On and after the first day of July as aforesaid, the tax books in the hands of the recorder shall have the force, and effect of a judgment of a court of record, and the recorder shall have the power to issue distress warrants and alias and pluries distress warrants, in the name of the State of Tennessee for the use of the City of Elkton to enforce the collection of the taxes against the person owning the property assessed January 10 of the year for which the tax is assessed, by levy upon the personality of such taxpayer; and such distress warrant shall be executed by the chief of police or any policeman of the City of Elkton, by levy upon the sale of the goods and chattels of such taxpayer under the same provisions as prescribed by law for the execution of such process.

Section 5. Lien. All municipal taxes on real estate in the City of Elkton and all interest, penalties and costs accruing thereon are hereby declared to be a lien on the

realty from and after the 10th of January, of the year for which the same are assessed, superior to all liens, except of the State of Tennessee and the County of Giles, for taxes legally assessed thereon, with which it shall be a coordinate lien.

Section 6. Delinquent Tax Collection. For the purpose of collecting delinquent taxes and enforcing the liens securing the same, the board of mayor and aldermen shall, by proper resolution, direct the city attorney to institute proceedings, in which event the city recorder shall certify a list of all real estate upon which municipal taxes remain due and unpaid, together with the interest and penalty thereon, to the city attorney, who in turn shall prepare and file proper bills to enforce the liens of such taxes due the City of Elkton, under the provisions of the general laws of this State as it now exists, or any future laws governing such matters. The city recorder may turn delinquent taxes over to the county for collection.

ARTICLE XIV-MISCELLANEOUS

Section 1. Sinking Fund. For the purpose of providing the means for the liquidation and retirement of the bonded indebtedness of the City of Elkton, a sinking fund is hereby created into which shall be paid so much of the revenue derived from taxation as is specifically so designated in the tax levy and all such other sums as the board of mayor and aldermen shall, from time to time, direct. Said sinking fund shall not be used in whole or in part for the payment of the current expenses of the city or for any purpose except as herein provided.

Section 2. Construction of Sidewalks and Curbing. The board of mayor and aldermen is hereby authorized and empowered to pass appropriate ordinances providing for sidewalks and for curbing and to require by ordinance or resolution that the owner or owners of any property fronting upon or adjoining any street shall be required to construct or bear the expense of constructing such sidewalk or curbing within such time as may be prescribed by such board and in the event any such owners shall fail or refuse to comply with the provisions of such ordinances as may be enacted for that purpose, then the board may cause the same to be constructed at the expense of the property owner or owners and the expense of the construction shall be borne by the

property owner and may be recovered by suit in the name of and for the use of the City of Elkton before the city court or any court of law or equity in the State of Tennessee having jurisdiction of the amount. The cost of such construction shall constitute a lien on the property involved.

Section 3. Contracts. All contracts made and entered into by the city shall be in writing and signed by the mayor and countersigned by the city recorder under the seal of the corporation after authority given by ordinance or resolution.

Section 4. Legal Process. All legal process against the city shall be served upon the mayor and he shall give written notice of the same to the city recorder, stating the style of the cause, the nature of the action and from what court issued. In the absence of the mayor, the process may be served upon the recorder who shall notify the mayor.

Section 5. Utilities. The board of mayor and aldermen are authorized to create and operate utility departments.

Section 6. Public Act. This act is hereby declared to be a public act and may be received and read in evidence in all courts of law and equity which shall take judicial notice thereof, and all ordinances, resolutions and proceedings of the city may be proved by the certificate of the recorder under the seal of the city and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Whenever words including one gender or sex appear in this charter, the same shall be construed to include both genders and sexes, unless the context required a different interpretation.

Section 7. Officers and Employees. All officers and employees and all persons who occupy any official position whatsoever, under the Town of Elkton, the charter of which is deleted by this act, are hereby appointed to continue their offices or employment for the remainder of their term of office, or period of employment, and shall discharge their duties except insofar as they may be inconsistent with the provisions of this charter, for the corresponding offices, positions and employment under the charter, provided, however, that the salary rates established herein may be effective by the

board of mayor and aldermen at any time after the effective date of this act. The board of mayor and aldermen shall set the salaries and benefits for all city employees.

Section 8. Political Activities of City Employees. City employees may participate in elections just like other citizens, except while on duty, in uniform, or driving a city vehicle.

Section 9. Outstanding Obligations. Nothing in this act shall invalidate any outstanding contract, obligation or bond made or executed by the City of Elkton, the charter of which is repealed by this act, but the contracts, obligations or bonds shall continue to be effective and binding upon the City of Elkton here created.

Section 10. Existing Ordinances Continued. All ordinances of the city which are consistent with the charter and in force when it takes effect shall remain in effect until amended or repealed.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of mayor and aldermen of the City of Elkton at or before the next regular meeting of the board of mayor and aldermen occurring more than thirty (30) days after its approval by the governor. Its approval or non approval shall be proclaimed by the presiding officer of the board and certified by him to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.